

## REMARKS

Claims 1-8 were in the application and examined.

Claims 1-6 were provisionally rejected based on double patenting in view of claims in co-pending App. Ser. No. 10/541,640. As Applicant intends to cancel the claims referenced in App. Ser. No 10/541,640, Applicant respectfully traverses this provisional double patenting rejection.

Claims 1-4 were rejected under Section 102 in view of Iwamoto (USP 6,835,884).

Claims 5-6 were rejected under Section 103 also in view of Iwamoto. Claims 7-8 were allowed.

While Applicant respectfully traverses the rejections in view of Iwamoto, Applicant has chosen to make certain amendments to amplify certain distinctions of Applicant's claimed invention from Iwamoto. In particular, Applicant has amended claims 1, 2 and 3 to emphasize certain interactive aspects of Applicant's invention. More particularly, and as more specifically recited in the claim language itself, in claim 1 a music data file is generated at a first node and transmitted to one or more second nodes. At the second node, musical definition data is extracted from the received music data file, and the musical definition data provides information regarding a data structure and data for musical parameters are processed so that music in accordance with the data structure and the musical parameters is generated at the second node. In accordance with Applicant's invention, however, a modified music data file also is generated at the second node, and the modified music data file is transmitted to the first node, and modified music may be generated at the first node based on the modified music data file.

In accordance with claim 2 and claims depending therefrom, a music data file is received from a second system remote from the system. The music data file is generated at the second system and may be used to generate music at the second system. A transmitter/receiver transmits and receives data from/to the second system. A music generation device executes at least a music generation algorithm, and musical rules are applied to musical data in accordance with the music generation algorithm to generate music output for a musical composition. A modified music data file also is generated in the system and is transmitted by the transmitter/receiver for receipt by the second system.

In accordance with Applicant's invention, a level of interactivity is provided that is submitted to patentably distinguish Applicant's claimed invention over Iwamoto. In claim 1, for

example, the music data file is generated at the first node, which is transmitted to a second station, and the steps of extraction, processing and generating a modified music data file are performed at the second node. Thereafter, the modified music data file is transmitted from the second node to the first node. Thus, a very interactive process is described and claimed, which is very different from Iwamoto. In Iwamoto, the music piece or the template data may be transmitted as a file attached to an email (see, e.g., col. 7, lines 42-47 of Iwamoto), but there is not believed to be any disclosure or suggestion of the interactive approach of sending a music data file from the first node to the second node, and after processing, etc., generating second music data that is sent back to the first node. Accordingly, Applicant submits that claim 1 (and claims 2-6 for similar reasons) are distinguishable from Iwamoto.

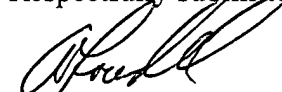
Reexamination and reconsideration is requested.

No new matter has been added.

If there are any questions regarding this amendment, Applicant's Attorney requests an opportunity to discuss such questions with the Examiner by way of a telephone interview.

Please charge any additional fees due, or credit any overpayment, to Deposit Account No. 50-0251.

Respectfully submitted,



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I hereby certify that the foregoing is being mailed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated above.

